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UNCLAS SECTION 01 OF 02 TEGUCIGALPA 001692

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SUBJECT: Honduran Public Ministry and the Fight Against
Corruption in the Administration of Justice

¶1. (SBU) SUMMARY: Corruption is a pervasive problem in Honduras, one that severely compromises the effective administration of justice (AOJ) and rule of law. Corruption involving police, prosecutors, and judges is common and extremely damaging. The U.S. AOJ strategy in Honduras, which includes multiple agencies, is aimed at consolidating a stable democracy with a justice system that protects human rights and the rule of law. Debt forgiveness by the G-8, the signing of the Millennium Challenge Compact, and U.S. congressional approval of CAFTA have recently expanded the realm of U.S interests and initiatives that need an effective rule of law in Honduras. However, reform cannot be achieved purely through external pressures but must be supported by genuine internal political will. End Summary.

Difficulties within the Police and Public Ministry

¶2. (U) According to the 2004 Transparency International list, Honduras is ranked 114 out of 146 countries surveyed, (146 being the most corrupt). Honduras was eight spaces lower than in 2003 since eight new countries were included in the 2004 survey, all of whom were deemed less corrupt than Honduras. Despite this poor international reputation, Honduran police demonstrate a general lack of interest in investigating corruption and have no specialized capacity to do so. The only anti-corruption units in place are located within the prosecutor's offices at the Public Ministry's Organized Crime Unit, which works with the Frontier Police Special Investigative Unit, the DGSEI. The Organized Crime unit in Tegucigalpa has only one investigator to assist 14 attorneys and the other in San Pedro Sula has no investigators.

¶3. (U) USAID consultants and representatives from Florida International University (FIU), which implements USAID's AOJ program in Honduras, believe that insufficient training and the existing divide between the Public Ministry and the police exacerbate broader problems of corruption in the investigation of crimes and the overall administration of justice. Training run by the International Narcotics and Law Enforcement Affairs (INL)/police assistance office teaches basic criminal investigation procedures, training lawyers and police side-by-side in an effort to bridge the divide and strengthen inter-institutional coordination. Graduates of the first such training program will go on to train larger groups of intermingled classes. It is hoped that a stronger bond between the two institutions will begin to improve results and aid other efforts, from strengthening professional associations to loosening the controlling grip of political elites.

¶4. (SBU) The Public Ministry, like many other Honduran institutions, suffers from the disproportionate concentration of resources in Tegucigalpa and San Pedro Sula and an over-personalization of power. Former Attorney General Ovidio Navarro's leadership was widely seen as ineffective and overly receptive of outside interference. In October 2004, 15 pending high-profile corruption cases were temporarily dismissed. After protesting the dismissals, 10 prosecutors (members of the reform-minded Association of Prosecutors) were fired and six were transferred to remote outposts. Many of the positions were not refilled, including one responsible for training and guidance of other prosecutors. The former Attorney General and his original Director General of Prosecutors were also rumored to seek advice from individuals outside the Public Ministry on high profile cases and disregard opinions of knowledgeable subordinates.

Delays, Corruption, and Judicial Procedure

¶5. (SBU) The recently reformed Criminal Procedure Code has begun to introduce transparency in the form of an oral adversarial process and has helped expedite the judicial process, but corruption persists. Notably, the political will to actually affect change is weak. Bribery and/or

political intimidation of police, prosecutors, and judges are common and damaging. Even honest police, prosecutors, and judges face strong pressure from political and economic elites and are vulnerable in a judicial system with insufficient independence.

16. (SBU) Similar to the problematic old criminal justice system, the civil justice system suffers from processing delays, poor preparation by the prosecution, and perhaps even larger corruption issues. Civil cases remain unresolved for an average of seven years, and most parties steer clear of the dysfunctional system altogether. Some of the delay is due to a shortage of personnel and the complicated written process of prosecution under the civil code. Though personnel and training alone will not address the root causes of corruption, they could help, especially if implemented in conjunction with a less opaque system. A new proposed Civil Procedures Code, drafted with USAID assistance, proposes increased transparency by reforming the civil code along the lines of the criminal code. The draft law is currently pending before Congress.

17. (SBU) COMMENT: The number one problem facing the Honduran justice system is the general lack of political will to fight corruption. Its effects are apparent in all branches of government, including the lack of coordination between the investigation and prosecution of crimes. Corruption is entrenched in the legal system and leads many citizens to skip reporting crimes to police. Now more than ever, the battle against corruption at all levels, especially in the administration of justice, must remain a top priority. During the months of June and July, Honduras enjoyed unprecedented and overwhelmingly positive international media coverage of debt forgiveness by the G-8, the signing of the Millennium Challenge Compact, and the passage of CAFTA in both the chambers of the U.S. Congress. The future success of these initiatives is contingent on continued Honduran efforts to prevent, aggressively investigate, and prosecute corruption at the highest levels when it occurs.

18. (SBU) Comment continued: Constant pressure against corruption in general, and specifically against corruption in the administration of justice, will help pave the way to increase judicial security in Honduras. The mere perception of judicial insecurity can be extremely damaging to the GOH's international credibility. The image of unending corruption in Honduras could exacerbate criminal activity, attracting individuals looking for places to launder money and traffic people, drugs, and arms. The fight against corruption in Honduras is an uphill battle facing obstacles at every turn. It must, however, be a clear priority of whichever party wins the November 27 national elections if the end goal is to create a more stable and just democracy that can be trusted by the people it serves. While assistance from the international donor community, including the U.S., is critical, this reform cannot be achieved purely through external pressures, but must be supported by genuine internal political will to succeed. END COMMENT.

Williard